

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

LATOSHA CRISP,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:10-cv-0790
)	
TREVECCA HEALTHCARE,)	
)	
Defendant.)	JURY DEMANDED

INITIAL CASE MANAGEMENT ORDER

A. **JURISDICTION:** The court has jurisdiction over this matter pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b) and 28 U.S.C. § 1337. The Court also has personal jurisdiction over the Plaintiff, who is a resident of Nashville, Tennessee and the Defendant, who does business in the State of Tennessee. The parties do not contest jurisdiction.

B. **BRIEF THEORIES OF THE PARTIES:**

1) **PLAINTIFF:** Plaintiff believes and asserts that Defendant intentionally failed to pay Plaintiff overtime wages under the Fair Labor Standards Act and that the Defendant's failure was willful. More specifically, on a regular and repeated basis, Defendant worked Plaintiff in excess of 40 hours per week without providing overtime compensation.

2) **DEFENDANT:** Defendant denies that it failed to pay Plaintiff overtime wages or violated the Fair Labor Standards Act in any way. Defendant asserts that Plaintiff was paid for all hours worked and was paid overtime for hours worked in excess of 40 in any given workweek.

C. **ISSUES RESOLVED:** Jurisdiction and venue.

D. ISSUES STILL IN DISPUTE: Liability and damages. Whether the Defendant violated the Fair Labor Standards Act as well as the extent and amount, if any, of damages sought by the Plaintiff in this matter.

E. INITIAL DISCLOSURES: The parties shall exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before **December 20, 2010**.

F. DISCOVERY: The parties shall complete all written discovery and depose all fact witnesses on or before **June 15, 2011**. Discovery is not stayed during dispositive motions, unless ordered by the Court. Local Rule 9(a)(2) is expanded to allow 40 interrogatories, including subparts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Judge Trauger

G. MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before **March 15, 2011**.

H. DISCLOSURE OF EXPERTS: The plaintiff shall identify and disclose all expert witnesses and expert reports on or before **March 15, 2011**. The defendant shall identify and disclose all expert witnesses and reports on or before **April 15, 2011**. Plaintiff shall identify and disclose all rebuttal experts by **May 16, 2011**.

I. DEPOSITIONS OF EXPERT WITNESSES: The parties shall depose all expert witnesses on or before **June 15, 2011**.

J. JOINT MEDIATION REPORT: The parties shall submit a joint mediation report on or before **June 15, 2011**.

K. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before **August 1, 2011**. Responses to dispositive motions shall be filed within twenty (20) days

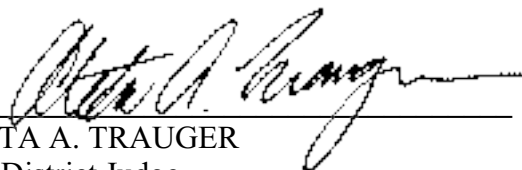
after service. Optional replies shall be filed within ten (10) days after service of the response. Briefs shall not exceed 20 pages. No motion for partial summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.

L. ELECTRONIC DISCOVERY: The parties have reached agreements on how to conduct electronic discovery. Therefore, the default standard contained in Administrative Order No. 174 need not apply to this case.

M. ESTIMATED TRIAL TIME: The parties expect the trial to last approximately 2-3 days. The jury trial is scheduled for Tuesday, **January 3, 2012**, at 9:00 a.m., in Courtroom 873 of the United States Courthouse, 801 Broadway, Nashville, Tennessee.

N. PRETRIAL CONFERENCE SETTING: A pretrial conference shall be held in Judge Trauger's chambers, Room 825 United States Courthouse, 801 Broadway, Nashville, Tennessee, on **December 21, 2011**, at 1:30 p.m.

IT IS SO ORDERED.



ALET A. TRAUGER
U.S. District Judge

APPROVED FOR ENTRY:

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/s/ Michael L. Russell

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